

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	24-CR-189-MLG
)	
LOUANN JOHNSON,)	
)	
Defendant.)	
)	

MOTION FOR *LAFLER-FRYE* HEARING BEFORE
A UNITED STATES MAGISTRATE JUDGE

The United States respectfully moves this Court to order a hearing before a United States Magistrate Judge to inquire with the defendant, LouAnn Johnson (hereinafter, “Defendant”), and her attorney, Justine Fox-Young, whether defense counsel communicated to Defendant the plea offer extended by the United States in this matter. In support of this motion, the United States provides the following:

1. A criminal defendant has the right to effective assistance of counsel during pre-trial plea negotiations, including with respect to plea offers that lapse or the defendant rejects. *See Lafler v. Cooper*, 566 U.S. 156 (2012); *Missouri v. Frye*, 566 U.S. 134 (2012) (commonly collectively referred to as *Lafler-Frye*).

2. The United States extended a plea offer to Defendant in this case, but counsel for Defendant orally informed the United States that Defendant rejected the offer.

3. To protect against any future claim of ineffective assistance of counsel on this issue, the United States respectfully requests that the Court direct a United States Magistrate Judge to inquire on the record at a hearing whether defense counsel informed Defendant of the United States’ plea offer and whether Defendant chose to reject the offer.

4. Further, the United States requests that the Court direct the United States Magistrate Judge to make the prosecution's plea offer a sealed exhibit at the hearing and verify that Defendant and defense counsel discussed the terms of the offer before rejecting the United States' proposed resolution.

5. Defense counsel was contacted and does not oppose this motion.

Respectfully submitted,

ALEXANDER M.M. UBALLEZ
United States Attorney

/s/ Jesse E. Pecoraro
Jesse E. Pecoraro
Assistant U.S. Attorney
201 Third St. NW, Suite 900
Albuquerque, NM 87102

I hereby certify that on May 16, 2024 a copy of this motion was delivered via CM/ECF to counsel for defendant.

filed electronically
Jesse E. Pecoraro